

by inserting after the word "law," these words, "being a citizen of the United States and," also by striking out the words "a citizen," and inserting in lieu thereof "an inhabitant."

Mr. KILGOUR moved that the Convention adjourn.

And the question being taken, it was determined in the affirmative.

And the Convention accordingly adjourned until Monday morning half past 11 o'clock.

MONDAY, April 21, 1851.

The Convention met at half-past eleven o'clock pursuant to the order heretofore adopted.

Prayer was made by the Rev. Mr. GRAUFF.

The proceedings of Saturday were read.

On motion of Mr. WELCH, it was

"Ordered, That the committee on militia, enquire into the expediency of inserting a clause in the Constitution requiring all persons, (not exempted by law,) who refuse to do military duty, to pay a fine of _____, the amount of which fine, to be distributed among the several volunteer corps in this State.

Mr. WEEMS presented the accounts of sundry persons for newspapers, stationery, etc., furnished the Convention.

Which on his motion,

Were referred to the committee on accounts.

THE JUDICIARY.

The Convention then resumed the consideration of the order of the day, being the report No. 13, submitted by Mr. BOWIE as chairman of the committee on the judiciary.

The question pending before the Convention on Saturday, being on the amendment offered by Mr. CRISFIELD, to the fifth section of said report.

Mr. BOWIE moved for a division of the question on striking out;

Which was ordered.

Mr. JACOBS moved the question be taken by yeas and nays;

Which were ordered.

Mr. CRISFIELD said:

He thought it would be apparent to every member of the Convention, that the number of three judges was not sufficient. He took it that the county courts or the courts below, would be composed of one judge, and if a case should go to the Court of Appeals, and that court be composed of three judges; one of those judges might take one view of the case, while the other two might be for reversing the decision below, and the result would be, that we would have two judges, not more learned or competent, overruling the opinions of two other judges whose talents and character entitled them to equal respect.

He was for perfecting the system according to the principles which had been established, and

he thought they all ought to unite in giving to the Court of Appeals, such a number of judges as would command the respect of the State, and a greater number than three would, in his opinion, command more respect. If his amendment should be adopted, he would follow it up with another motion, to the effect that no judgment of reversal should be entered except with the concurrence of three judges.

He thought that three of that body ought to concur in reversing a decision of the judges below. He repeated that some greater number of judges than three would be more likely to command the respect of the people of the State. He would not say exactly, what he thought should be the number; but, if he might judge from the opinions he had heard expressed on that floor, in the course of debate, he should suppose there was a very large majority of the Convention, who concurred in the necessity of making the Court of Appeals consist of four judges at least.

He had heard a number of gentlemen express their sentiments on the subject, and the majority of them rather inclined to five than three. Now, if four judges were to be elected by the people he had adopted a mode of electing them from districts which had already been approved of by the Convention in reference to the board of public works. He had provided that the Eastern Shore should be one district—and should elect one of the judges of the Court of Appeals—Western Maryland, another—the city of Baltimore a third—and the southern portions of Maryland a fourth. That mode of districting the State had received, as he had before remarked, the approval of this body, in the manner of districting the State for the election of a board of public works. He would, therefore, with these few brief remarks offer his amendment.

Mr. BOWIE said, it was very well known that, as a member of the judiciary committee, he had advocated five judges for the Court of Appeals. It was his opinion that the Court ought not to consist of less than that number, but the majority of the committee, in their wisdom, had thought proper to report in favor of three. He must say that he had no particular objection to the amendment of the gentleman from Somerset, (Mr. Crisfield.) He thought there was a great deal of propriety in what that gentleman had said. He was perfectly willing that the vote of the Convention should be taken on the amendment submitted by the gentleman.

Mr. TUCK would make one or two remarks before the question was taken. He thought it would be better to have four districts according to the arrangement adopted for the election of State Commissioners. It was right, as far as possible, to keep these elections out of the arena of politics. This could best be done by having the elections on different days. As this has been determined otherwise, Mr. T. thought some mischief might be prevented by having a court equally divided in politics, as would probably be the case if four districts were arranged as proposed. He thought there was little force in the objections urged to an even number. If the Court